IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 478 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/09/2002 in WP NO : 9967 OF 1998 on the file of the High Court.)

Between:

Machilipatnam Municipality, rep.by its Commissioner Machilipatnam, Krishna District.

..... APPELLANT

AND

1 The Chairman, Labour Court, Guntur.
2 The Special Commissioner & Director of Municipal Administration, Andhra Pradesh, Hyderabad.
3 Chokakula Bullamma W/o.yellaiah, R/o.16/423, Edopalli Machilipatnam, Krishna District.

.....RESPONDENTS

For the Appellant: MR.SRINIVAS DAMMALAPATI ,Advocate

For the Respondent No.1: GP FOR LABOUR

The Court made the following:

ORAL JUDGMENT: (per GB. J.)

The Writ Appeal is filed assailing the order passed by the learned single Judge in Writ Petition No.9967 of 1998, dated 9.9.2002.

2. The 3rd respondent herein was working in Machilipatnam Municipality as Badili worker. When her services were retrenched in violation of Section 25(f) of the Industrial Disputes Act, (for short the Act), she raised an industrial dispute in ID.No.282 of 1996. The learned Labour Court, after considering the matter, held that there was statutory violation of Section 25(f) Act and accordingly set aside the order of termination and directed reinstatement with continuity of service, back wages and attendant benefits. Against the said award, the matter was carried in the above Writ Petition. The learned single Judge while confirming the award relating to reinstatement and continuity of service, modified the award relating to back wages and awarded a lumpsum compensation of Rs.10,000/-. Against the said order, Machilipatnam Municipality has filed the present Writ Appeal.

3. The learned Standing Counsel appearing for the appellant submits that the order of the learned single Judge confirming the award of the Labour Court is wholly illegal and contrary to law. He submits that the services of the 3rd respondent were terminated for a reasonable cause and therefore the order of

termination ought to have been upheld and the award of the Labour Court ought to have been set aside by the learned single Judge.

4. We are afraid we cannot accept the contention of the learned Standing Counsel for the appellant. The Labour Court while adjudicating the matter categorically held that there was violation of Section 25(f) of the Act and since the appellant did not follow the mandatory provisions contained in Section 25(f) of the Act, order of termination was held as illegal and therefore directed reinstatement with back wages and attendant benefits. However, the learned single Judge modified the relief relating to back wages and confined it to a compensation of Rs.10,000/-. When once the order of termination is held as illegal, normally the workman is entitled for reinstatement with continuity of service and other attendant benefits as if there is no termination in the eye of law and since the learned single Judge by exercising discretionary power modified the order relating to back wages, we are not inclined to interfere with the same. We find no merits in the Writ Appeal.

5. In the result, the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

9th July, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

One Fair copy to the Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

To

1 Machilipatnam Municipality, rep.by its Commissioner Machilipatnam, Krishna

District.

2 The Chairman, Labour Court, Guntur.
3 The Special Commissioner & Director of Municipal Administration, Andhra Pradesh,Hyderabad.
4 2 CCS to G.P. for Labour, High Court Buildings (OUT)

5 2 CD Copies.